

PAUL E. FISHER, State Bar #125309
The Law Offices of Paul E. Fisher
537 Newport Center Dr., #289
Newport Beach CA 92660
Telephone: (949) 675-5619
Facsimile: (949) 675-5641

ERIC HECKER (admitted *pro hac vice*)
Emery Celli Brinckerhoff & Abady LLP
75 Rockefeller Plaza, 20th Floor
New York, NY 10019
Telephone: (212) 763-5000
Facsimile: (212) 763-5001

Attorneys for Plaintiff
METRO FUEL LLC

DENNIS J. HERRERA, State Bar #139669
City Attorney

KRISTEN A. JENSEN, State Bar #130196
THOMAS S. LAKRITZ, State Bar #161234
VICTORIA WONG, State Bar #214289

Deputy City Attorneys
City Hall, Room 234

1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102

Telephone: (415) 554-6547

Facsimile: (415) 554-4747

E-Mail: tom.lakritz@sfgov.org

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

METRO FUEL LLC, a Delaware limited
liability company,

Plaintiff,

vs.

CITY OF SAN FRANCISCO, a municipal
corporation, COUNTY OF SAN
FRANCISCO, a subdivision of the State
of California, CITY AND COUNTY OF
SAN FRANCISCO, a chartered California
city and county and DOE 1 through DOE
10,

Defendants.

Case No. C07-6067 PJH

The Honorable Phyllis J. Hamilton

**JOINT CASE MANAGEMENT
STATEMENT AND ORDER**

Hearing Date: April 30, 2009
Time: 2:30 P.M.

1 The parties in this action hereby submit this Joint Case Management Statement and
2 advise the Court as follows:

3 1. On or about April 16, 2009, the United States Court of Appeals for the Ninth
4 Circuit denied the petition for rehearing en banc in the *Metro Lights* case.

5 2. Metro Fuel (which is the successor in interest to Metro Lights) intends to
6 petition the United States Supreme Court for certiorari in the *Metro Lights* case. Metro Fuel's
7 petition is due to be filed in mid-July 2009. The parties expect that the United States Supreme Court
8 will act on the petition in October 2009.

9 3. The parties hereby jointly recommend and request that the Case Management
10 Conference presently scheduled for April 30, 2009 be continued until November 12, 2009 at 2:30
11 p.m., with a Joint Case Management Statement to be filed on or before October 29, 2009. The parties
12 request that the Court vacate March 19, 2008 Order Scheduling Trial And Pretrial Matters.
13

14 4. The continuance shall not preclude the parties from filing a motion before the
15 Case Management Conference.
16

17 Dated: April 23, 2009

EMERY CELLI BRINCKERHOFF & ABADY LLP

18
19 By: /S/
20 ERIC HECKER

21 Attorneys for Plaintiff METRO FUEL LLC.

22 Dated: April 23, 2009

DENNIS J. HERRERA, City Attorney
KRISTEN A. JENSEN
THOMAS S. LAKRITZ
VICTORIA WONG

23
24 4/27/09



25
26 By: /S/
27 THOMAS S. LAKRITZ

28 Attorneys for Defendant CITY AND COUNTY
OF SAN FRANCISCO